

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

ANDRE BRUNDAGE,

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Plaintiffs,

CASE NO. 1:19-cv-00434

v.

SCOTT & ASSOCIATES, P.C.,

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Defendant.

**DEFENDANT SCOTT & ASSOCIATES, PC'S
ANSWER TO PLAINTIFF'S COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Defendant Scott & Associates, PC ("Defendant") and files this Answer to Plaintiff's Complaint, and will show onto this Court as follows:

NATURE OF THE ACTION

1. Defendant admits that Plaintiff brings this action pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (the "FDCPA") and the Texas Debt Collection Act, Tex. Fin. Code § 392 *et seq.* (the "TDCA"). Defendant denies it violated any provisions of those statutes.

JURISDICTION AND VENUE

2. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 2; therefore, it denies the same.

3. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 3; therefore, it denies the same.

PARTIES

4. Defendant lacks knowledge or information sufficient to form a belief about the truth of

Paragraph 4; therefore, it denies the same.

5. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 5; therefore, it denies the same.

6. Defendant admits it is a law firm that sometimes holds itself out as a debt collector and whose principal purpose is the collection of debts. Defendant is a professional corporation organized under the laws of the state of Texas with its principal place of business located at 1120 Metrocrest Drive, Suite 100, Carrollton, Texas. Defendant lacks knowledge or information sufficient to state whether the debts it collects are consumer debts under the FDCPA.

7. Defendant admits Paragraph 7.

8. Defendant admits that as a profession corporation it can only act through its agents and employees acting within the scope of their employment.

FACTS SUPPORTING CAUSES OF ACTION

9. Defendant admits it attempted to collect a debt that originated with Credit One Bank, N.A. but is now owned by LVNV Funding, LLC. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 9; therefore, it denies the same.

10. Defendant admits it initiated a suit against Plaintiff over the unpaid debt owed by Plaintiff.

11. Defendant admits that Plaintiff agreed to entered into an Agreed Judgment that would have Plaintiff make payments on the debt. Defendant denies the remainder of Paragraph 11.

12. Defendant admits Plaintiff made some but not all of the payments.

13. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 13; therefore, it denies the same.

14. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 14; therefore, it denies the same.

15. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 15; therefore, it denies the same.
16. Defendant denies Paragraph 16.
17. Defendant denies Paragraph 17.
18. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 18; therefore, it denies the same.
19. Defendant denies Paragraph 19.
20. Defendant denies Paragraph 20.

COUNT I

21. Defendant reincorporates the preceding paragraphs as if fully set out herein.
22. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 22; therefore, it denies the same.
23. Defendant admits it regularly use the mail and/or the telephone to collect or attempt to collect outstanding accounts. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 23; therefore, it denies the same.
24. Defendant admits Paragraph 24.
25. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 25; therefore, it denies the same.
26. Defendant denies Paragraph 26 as an incomplete and/or inaccurate statement of law.
27. Defendant denies Paragraph 27 as an incomplete and/or inaccurate statement of law.
28. Defendant denies Paragraph 28.
29. Defendant denies Paragraph 29 as an incomplete and/or inaccurate statement of law.
30. Defendant denies Paragraph 30.

Defendant denies Plaintiff's Prayer for Relief and its subparts, and denies Plaintiff is entitled any relief or damages.

COUNT II

31. Defendant reincorporates the preceding paragraphs as if fully set out herein.
32. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 32; therefore, it denies the same.
33. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 33; therefore, it denies the same.
34. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 34; therefore, it denies the same.
35. Defendant denies Paragraph 35 as an incomplete and/or inaccurate statement of law.
36. Defendant denies Paragraph 36 as an incomplete and/or inaccurate statement of law.

Defendant denies Plaintiff's Prayer for Relief and its subparts, and denies Plaintiff is entitled any relief or damages.

TRIAL BY JURY

37. Defendant admits that Plaintiff seeks a trial by jury in this case.

AFFIRMATIVE DEFENSES

38. Plaintiff has failed to mitigate damages, if any.
39. Plaintiff's damages, if any, are the result of a pre-existing condition not caused nor exacerbated by Defendant.
40. Plaintiff proximately caused her own damages, if any.
41. Plaintiff's damages were caused by a third party over which Defendant has no control.
42. If any error occurred, it was due to a bona fide error.

WHEREFORE, PREMISES CONSIDERED, Defendant Scott & Associates, PC, respectfully requests that this Court dismiss all claims against Defendant with prejudice.

Respectfully submitted,

MALONE FROST MARTIN PLLC

/s/ Robbie Malone _____
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***COUNSEL FOR DEFENDANT
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded via CM/ECF on this 25th day of November, 2019 to:

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